

Docket 40693
Serial No. 09/757,353

PATENT APPLICATION

REMARKS

This is in full and timely response to the initial Office Action on the merits dated June 16, 2004. Reconsideration and reexamination are respectfully requested in view of the
5 foregoing amendments and the following remarks.

By the foregoing amendment, claims 1-7 and 14-17 have been canceled and claims 8-12 have been amended and claims 18-19 and 22 have been newly added. Claims 20 – 21 and 23 have been re-presented from former claims now canceled. Therefore, claims 8-13 and 18-23 remain in this application with claim 8 being independent.

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IN THE SPECIFICATION

The disclosure is objected to because on page 8, line 12, the word “maid” should be “made”. The corresponding paragraph has been replaced with a paragraph appropriately using “made” instead of “maid”.

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IN THE CLAIMS:**35 U.S.C. § 112 Rejections:**

Claim 14 stands rejected under 35 U.S.C. 112 as being indefinite regarding
20 antecedent basis for the term “said personal identification number”. Claim 14 has been canceled.

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New claim 22 substantially re-presents claim 14 and has been amended to properly provide the antecedent basis as suggested by the examiner.

35 U.S.C. § 102 (b) Rejections:

5 Claims 1-4, and 6-13 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,905,246 to Fajkowski. Without admitting the propriety of these rejections, claims 1-7 have been canceled and claims 8-11 have been amended. Even before addressing the amendment to claim 8, it should first be appreciated that claim 8 originally recited a host computer connected to first database of personal consumer and coupon data, a vendor computer
10 with a database of product inventory data, and the communication of user-selected coupon data from the host computer to the vendor computer. It is this communication of coupon (and other account data) between the computers via a computer network that is a significant point of novelty in the present application. Indeed, this limitation is clearly not anticipated by Fajkowski and was not specifically addressed or rejected by the examiner. In the examiner's discussion of
15 the Fajkowski disclosure on page 3 of the present office action, the limitation recited in claim 8 is not addressed. This is not surprising as it is not disclosed, taught or suggested by Fajkowski or any other reference, whether considered singly or in combination.

 In fact, Fajkowski teaches away from the present invention. Namely, Fajkowski discloses that consumer selected coupon data is stored on the coupon card to be scanned at a
20 store location at the time of a product purchase. Quite to the contrary, the present system does not necessarily store the information to the card but rather the host computer communicates the

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coupon data to the vendor computer through a computer network. Upon product purchase, only the user's personal identification number (stored on the card) needs to be scanned – the coupon selection data is already in the vendor's computer system via the network transfer! The present system presents a truly unique level of efficiency and avoids a host of potential errors and
5 complicated scanning requirements. For these reasons, the applicant contends that claim 8 is in condition already for allowance and such is respectfully requested.

Nevertheless, claim 8 has been specifically amended to more perfectly recite the present invention and to even more clearly distinguish over the prior art cited by the examiner. Specifically, claim 8 has been amended to recite that the account data stored on each portable
10 coupon card is, in fact, a respective personal identification number and not the consumer-selected coupon data itself. The personal identification number is the data that is required to be stored on the card (application, page 10, lines 22-24). In addition, the limitation of a vendor computer has been specifically amended to more perfectly recite that it is coupon card account data representing a plurality of consumer-selected coupons, expiration date, and redemption
15 numbers that is communicated from the host computer to the vendor computer. Again, this data need not be stored to the coupon card itself (as in Fajkowski) nor scanned therefrom at the point of purchase. Fajkowski's teaching of storing such data to a card and then scanning this data from the card at the point of purchase expressly teaches away from the use of a computer network for transmitting this type of data from a host computer to a vendor computer. Support for all of the
20 amendments to claim 8 may be found in the specification at page 10, line 22 through page 11, line 19.

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Based on the amendments to claim 8 and these additional reasons, the applicant believes that claim 8 is now in condition for allowance along with claims 9-13 and 18-26 which depend therefrom and such is respectfully requested.

5 Claims 14-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,865,470 to Thompson. Without admitting the propriety of these rejections, claims 14-16 have been canceled.

35 U.S.C. 103(a) Rejections:

10 Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Fajkowski in view of U.S. Pat. No. 6,035,280 to Christensen. Without admitting the propriety of this rejection, claim 5 has been canceled.

15 Claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,865,470 to Thompson in view of Fajkowski. Without admitting the propriety of this rejection, claim 17 has been canceled. While claim 17 has been substantially re-presented as claim 21, the applicant believes it to be in condition for allowance as it depends from amended claim 8 and for the reasons advanced previously.

20 This application should now be in condition for allowance and such is respectfully requested. If the examiner has any suggestions that would place this application in even better

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condition for allowance, he is invited to contact the applicant's representative at the telephone number listed below.

Date: July 30, 2004

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Respectfully Submitted,



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